

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054**

In the Matter of)
)
RCN-BETG, LLC) **File No.** _____
)
Notice of Intent to Establish)
an Open Video System)

**NOTICE OF INTENT
TO ESTABLISH AN OPEN VIDEO SYSTEM**

RCN-BETG, LLC, Inc. (“RCN-BETG”), by its undersigned counsel, and pursuant to Section 651 of the Telecommunications Act of 1996 and Section 76.1503(b)(1) of the Commission’s Rules, hereby submits its “Notice of Intent,” (“Notice”) to establish an open video system (“OVS”). As required by Section 76.1503(b)(1), RCN-BETG respectfully submits the following information:

1. RCN-BETG is a joint venture between Residential Communications Network of Massachusetts, Inc. and Boston Energy Technology Group, Inc. The contact person for the operator, Scott Burnside, is located at 100 Lake Street, Dallas, PA 18612. Mr. Burnside may be reached at (717) 675-6201.

2. RCN-BETG’s projected service area includes the following communities/CUID numbers:

<u>Community</u>	<u>CUID No(s).</u>
Acton	MA0196
Arlington	MA0115
Ashland	MA0231
Bedford	MA0210
Bellingham	MA0221, MA0183
Belmont	MA0316

Boston	MA0182
Braintree	MA0217
Brookline	MA0219, MA0155
Burlington	MA0080
Cambridge	MA0280
Canton	MA0173
Carlisle	MA0293
Chelsea	MA0064
Concord	MA0270
Dedham	MA0238
Dover	MA0314
Framingham	MA0094
Holliston	MA0236
Hopkinton	MA0306
Lexington	MA0140
Lincoln	MA0324, MA0301
Maynard	MA0146
Medfield	MA0258
Medway	MA0189
Millis	MA0174
Milton	MA0163
Natick	MA0141
Needham	MA0199
Newton	MA0117
Norfolk	MA0248
Norwood	MA0148
Quincy	MA0216, MA0066
Sharon	MA0211
Sherborn	MA0310
Somerville	MA0057
Stoneham	MA0042, MA0101
Sudbury	MA0255
Walpole	MA0220

Community

CUID No(s).

Waltham	MA0261
Watertown	MA0130
Wayland	MA0267
Wellesley	MA0241
Weston	MA0268
Westwood	MA0204

Weymouth
Winchester
Woburn

MA0129
MA0111
MA0033

3. The open video system will have a maximum of 330 channels available, each consisting of 6-MHz analog capacity. Subject to demand from prospective Video Programming Providers (“VPPs”), RCN-BETG will evaluate and may implement an alternative technology including, but not limited to, a switched digital open video system. In any event, the selected solution will satisfy VPPs channel requests and meet all OVS channel capacity requirements.

4. VPPs interested in carriage on RCN-BETG’s open video system may obtain additional information about the system by completing the OVS Information Request Form (Attachment 1) and submitting it to:

Scott Burnside
RCN-BETG, LLC
100 Lake Street
Dallas, PA 18612.

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC’s rules, within five business days of receipt of a request for information, RCN-BETG will provide the VPP with additional information regarding the open video system to enable the VPP to make an enrollment decision. With this information, the VPP will also be provided with additional forms and instructions necessary for carriage on RCN-BETG’s open video system. If a VPP decides to seek carriage on RCN-BETG’s open video system after receipt of the additional information, the VPP must submit the required forms, a non-refundable application processing fee, and a channel reservation deposit by the end of the enrollment period.

5. One third of the system’s maximum capacity will be set aside for RCN-BETG and/or its affiliates. In addition, RCN-BETG will utilize approximately nineteen (19) channels to carry public programs, educational programs, governmental programs, and those stations entitled to

demand carriage pursuant to 47 C.F.R. § 76.56 and § 76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for RCN-BETG and its affiliates.

6. The enrollment period for VPPs seeking carriage on RCN-BETG's open video system will commence on February 28, 1997, and conclude May 31, 1997. In order to allow for contract finalization, ensure orderly channel allocation and allow timely systems allocation to occur, VPPs must submit their preliminary enrollment requests no later than April 30, 1997. Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a certification that RCN-BETG has complied with all relevant notifications requirements under the FCC's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. § 76.1506) , including a list of all the local commercial and non-commercial television stations served. (Attachment 3.) An example of the notification letter sent to television stations pursuant to this Section is also appended hereto. (Attachment 4.) Also attached is a certificate of service showing that RCN-BETG's Notice of Intent has been served on all local franchising authorities which are located within RCN-BETG's anticipated OVS service area. (Attachment 5.)

Respectfully submitted,

RCN-BETG, LLC

Andrew D. Lipman
Jean L. Kiddoo
Kathy L. Cooper

SWIDLER & BERLIN, CHARTERED
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 424-7834

Its Counsel

Dated: February 28, 1997

RCN-BETG, LLC
OPEN VIDEO SYSTEM
INFORMATION REQUEST FORM

Section I: Video Programming Provider Information

Name of Company: _____

Name of Contact: _____

Address: _____

Telephone: _____

Facsimile: _____

Section II: Carriage Information

Total amount of capacity requested: _____ channels

Section III: Certification and Non-Disclosure Statement

The undersigned video programming provider ("VPP") represents that it has the right under the copyright laws to select and contract for carriage of specific video programming on the RCN-BETG open video system, and that it has no formal or informal affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC's rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within RCN-BETG's open video system service area, and that the capacity requested will only be used for the commercial operation of an information service. The VPP and its affiliates agree not to disclose to any other party the information provided by RCN-BETG in response to this request, except for information that is in the public domain and except as provided in 47 C.F.R. § 76.1513(j) of the FCC's rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in the RCN-BETG open video system and the subsequent activation of such enrollment, if any.

Signature

Name/Title

Date

**RCN-BETG, LLC
OPEN VIDEO SYSTEM
CHANNEL ALLOCATION PROCESS**

RCN-BETG's anticipated total system capacity on its open video system is 330, 6 MHz analog channels. The following channel allocations already have been made:

RCN-BETG: 110 channels for video programming + approximately 19 channels for the PEG/Must-Carry/Retransmission consent requirements. The remaining number of channels to be allocated is 201.

Initial capacity requests must be submitted by April 30, 1997. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its request. If the

sum of all channels requested exceeds available channel capacity, each VPP requesting fewer than 6 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 6, total capacity permitting. The remaining channels will be allocated to each VPP requesting more than 6 channels on a pro rata basis; that is based on the ratio of the remaining number of channels requested by all VPPs.

The following is an illustration of the allocation process based on the availability of 201 channels and a request for 398 channels from multiple VPPs.

	Total	398	32
<u>VPP</u>	<u>Channels Requested</u>		<u>Minimum Allocation</u>
A	2		2
B	6		6
C	20		6
D	110		6
E	150		6
F	110		6

<u>Remaining Channels Requested</u>	<u>Ratio of Rmng Chnl Avlble to Rmng Chnl Requested</u>	<u>No. of Channels Allocated</u>
0	--	2
0	--	6
14	.462	12
104	.462	54
144	.462	73
104	.462	54
<hr/>		<hr/>
366		201

Because VPPs C through F all requested more than 6 channels, each VPP is allotted up to 6 channels as the minimum allocation.

The remaining number of channels available to be divided among the VPPs is 169 (201 channels minus 32 channels).

The number of available channels to be allocated on a pro rata basis (169) is divided by the remaining number of channels requested (366), which equals .462. This factor is used to calculate the distribution of the remaining 169 channels to VPPs C through F.

The remaining channels requested by VPPs C through F are multiplied by the pro rata factor (.462) to determine the number of channels the VPPs will be allocated in addition to the six channel minimum. Fractions of channels have been rounded to the nearest whole number.

RCN-BETG will mail notification to each VPP to confirm the channel capacity allocation by May 15, 1997. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying RCN-BETG by mail. Cancellations must be received by 5:00 p.m. on May 20, 1997. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a pro rata basis to the remaining VPPs who did not receive their full request. On May 25, 1997, RCN-BETG will mail a notification to each remaining VPP to confirm the final channel capacity allocation.

CERTIFICATE OF SERVICE

I, Sharon Brighthaupt, hereby certify that on the 28th day of February, 1997, I caused written notice to be sent by overnight mail to all commercial and noncommercial television stations operating within RCN-BETG's proposed open video system television market, as indicated by the attached service list.

Sharon Brighthaupt

Service List
Commercial and Non-Commercial Television Stations

Robert D. Gordon
President & General Manager
WABU-TV Channel 68
1660 Soldiers Field Road
Boston, MA 02135

Kathy Saunders
Vice President & General Manager
WFXT Channel 25
25 Fox Drive
Dedham, MA 02027

William Aber
Vice President & General Manager
WBZ TV Channel 4
1770 Soldiers Field Road
Boston, MA 02134

John Vitanovec
Vice President & General Manager
WLVI TV 56
75 Morrissey Blvd
Boston, MA 02125

Paul La Camera
Vice President & General Manager
WCVB-TV Channel 5
5 TV Place
Needham, MA 02194

Henry Becton, Jr.
President & General Manager
WGBH TV
125 Western Avenue
Boston, MA 02134

Stuart Tauber
Vice President & General Manager
WSBK TV 38
83 Leo Birmingham Pkwy.
Brighton, MA 02135

Michael Walenta
General Manager
WGBX TV/c/o WGBH TV
125 Western Avenue
Boxton, MA 02134

Michael Carson
General Manager
WHDH TV 7
7 Bulfinch Place
Boston, MA 02114

Jasmine Heghinian
WMFP Channel 62
Suite 1402
89 Broad Street
Boston, MA 02110

Merril Buchhalter
Vice President & General Manager
WHSN TV 66
71 Parmenter Road
Hudson, MA 01749

Michael Nurse
Vice President & General Manager
WUNI Channel 27
33 4th Avenue
Needham, MA 02194

Donna Cole
General Manager
TV 50 Place
Derry, NH 03038

Lon Mirolli
General Manager
One Sundial Avenue
Suite 501
Manchester, NH 03103

CERTIFICATE OF SERVICE

I, Audrey A. Fortner, hereby certify that on this 28th day of February, 1997, copies of the foregoing RCN-BETG, LLC Notice of Intent to Establish an Open Video System was served via first class mail on the parties listed below:

William F. Caton*
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Office of the Bureau Chief*
Cable Services Bureau
2033 M Street, N.W., Room 918
Washington, DC 20554

John Logan*
Acting Deputy Chief
Federal Communications Commission
2033 M Street, N.W., Room 920
Washington, DC 20554

Deborah Klein*
Federal Communications Commission
Cable Services Bureau
2033 M Street, N.W., Room 918
Washington, DC 20554

Alyssa Roberts*
Cable Services Bureau
Federal Communications Commission
2033 M Street, N.W., Room 700Q
Washington, DC 20554

James Olson, Chief*
Competition Division
Office of the General Counsel
Federal Communications Commission
1919 M Street, N.W., Room 650-L
Washington, DC 20554

Rosaria Salerno
City Clerk
City of Boston
Boston City Hall, Room 601
Boston, MA 02201

Merita Hopkins, Esq.
Corporation Counsel
Boston City Hall, Room 615
Boston, MA 02201

Charles J. Beard, Esq.
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, Massachusetts 02109

Ms. Catherine Belbin
Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

Ms. Cindy L. Giles
Town Clerk
Town of Ashland
101 Main Street
Ashland, MA 01721

Ms. Doreen Tremblay
Town Clerk
Town of Bedford
10 Mudge Way
Bedford, MA 01730

Ms. Kathleen M. Harvey
Town Clerk
Town of Bellingham
4 Mechanic Street
Bellingham, MA 02019

Ms. Jane L. Chew
Town Clerk
Town of Burlington
29 Center Street
Burlington, MA 01803

Mr. Ralph D. Eames
Town Clerk
Town of Canton
801 Washington St.
Memorial Hall
Canton, MA 02021

Ms. Sarah W. Andreassen
Town Clerk
Town of Carlisle
22 Bedford Road
Carlisle, MA 01741

Ms. Margaret M. McGowan
Town Clerk
Town of Dedham
26 Bryant Street
Dedham, MA 02026

Ms. Judith Block
Town Clerk
Town of Dover
5 Springdale Ave.
Dover, MA 02030

Ms. Nancy L. Norris
Town Clerk
Town of Holliston
703 Washington Street
Holliston, MA 01746

Ms. Mary B. Nealon
Town Clerk
Town of Hopkinton
18 Main Street
Hopkinton, MA 01748

Ms. Nancy J. Zuelke
Town Clerk
Town of Lincoln
16 Lincoln Road
Lincoln, MA 01773

Ms. Judith C. Peterson
Town Clerk
Town of Maynard
195 Main Street
Maynard, MA 01754

Ms. Nancy J. Preston
Town Clerk
Town of Medfield

459 Main Street
Medfield, MA 02052

Ms. Mary Jane White
Town Clerk
Town of Medway
155 Village Street
Medway, MA 02053

Mr. George G. Ford
Town Clerk
Town of Millis
64 Exchange Street
Millis, MA 02054

Mr. James G. Mullen, Jr.
Town Clerk
Town of Milton
525 Canton Avenue
Milton, MA 02186

Ms. Alice S. Boschen
Town Clerk
Town of Norfolk
100 Main Street
Norfolk, MA 02056

Ms. Shirley S. Davenport
Town Clerk
Town of Sharon
90 South Main Street
Sharon, MA 02067

Ms. Lucy S. Almasian
Town Clerk
Town of Sherborn
19 Washington Street
Sherborn, MA 01770

Ms. Annamae Arsenault
Town Clerk
Town of Stoneham

35 Central Street
Stoneham, MA 02180

Ms. Kathleen D. Middleton
Acting, Town Clerk
Town of Sudbury
Concord Road
Sudbury, MA 01776

Mr. Ronald A. Fucile
Town Clerk
Town of Walpole
135 School Street
Walpole, MA 02081

Ms. Judith L. St. Croix
Town Clerk
Town of Wayland
41 Cochituate Road
Wayland, MA 01778-2697

Ms. Elizabeth Nolan
Town Clerk
Town of Weston
Town House Road
Weston, MA 02193

Ms. Edith P. McCracken
Town Clerk
Town of Westwood
580 High Street
Westwood, MA 02090

Ms. Carolyn Ward
Town Clerk
Town of Winchester
71 Mt. Vernon Street
Winchester, MA 01890

Ms. Naomi Foley
Town Clerk
Town of Woburn
10 Common Street
Woburn, MA 01801-4139

Ms. Catherine Stafford
Town Clerk
Town of Belmont
455 Concord Avenue
Belmont, MA 02178

Ms. Saran E. Gillies
Town Clerk
Town of Braintree
One J.F. Kennedy Memorial Dr.
Braintree, MA 02184

Ms. D. Margaret Drury
Town Clerk
Town of Cambridge
795 Massachusetts Ave.
Cambridge, MA 02139

Ms. Nancy R. Cronin
Town Clerk
Town of Concord
22 Monument Square
Concord, MA 01742

Mr. Robert M. Thornton
Town Clerk
Town of Norwood
566 Washington Street
Norwood, MA 02062

Mr. Joseph Shea
Town Clerk
Town of Quincy
1305 Hancock Street
Quincy, MA 02169

Ms. Joan M. Regan
Town Clerk
Town of Wellesley
525 Washington Street
Wellesley, MA 02181

Mr. Franklin Fryer
Town Clerk
Town of Weymouth
75 Middle Street
Weymouth, MA 02189

Mr. Donald R. Marquis
Town Manager
Town of Arlington
730 Massachusetts Ave.
Arlington, MA 02174

Mr. Richard J. Kelliher
Town Administrator
Town of Brookline
333 Washington Street
Brookline, MA 02146

Mr. Guy Santagate
City Manager
Town of Chelsea
500 Broadway
Chelsea, MA 02150

Mr. Russell Marcoux
Town Manager
Town of Framingham
150 Concord Street
Framingham, MA 01702

Mr. Richard J. White
Town Manager
Town of Lexington
1625 Massachusetts Avenue
Lexington, MA 02173

Mr. Frederick C. Conley
Town Administrator
Town of Natick
13 East Central Street
Natick, MA 01760

Mr. Carl F. Valente
Town Administrator
Town of Needham
1471 Highland Avenue
Needham, MA 02192

The Honorable William F. Stanley
Mayor
City of Waltham
610 Main Street
Waltham, MA 02154

The Honorable Thomas B. Concannon
Mayor
City of Newton
1000 Commonwealth Avenue
Newton, MA 02159

The Honorable Michael E. Capuano
Mayor
City of Somerville
93 Highland Avenue
Somerville, MA 02143

Mr. Michael J. Driscoll
Town Manager
Town of Watertown
149 Main Street
Watertown, MA 02172

Mary Cottrell, Secretary
Dept. of Public Utilities
Leverett Saltonstall Bldg.
Government Center
100 Cambridge St., 12th Floor
Boston, MA 02202

* Hand-delivery

Audrey A. Fortner